

LEGAL LITERACY TERMS FOR NEW CAREER SPECIAL EDUCATION TEACHERS

FOUNDATION LAWS:

- **IDEA (Individuals with Disabilities Education Act):** A federal law that ensures FAPE for eligible children with disabilities from birth to age 3 under Part C, and ages 3–21 under Part B (public schools).
- **FAPE (Free Appropriate Public Education):** Ensures that children with disabilities receive an education tailored to their individual needs at no cost to their parents.
- **LRE (Least Restrictive Environment):** Requires that children with disabilities are educated with their non-disabled peers to the greatest extent appropriate.
- **Child Find:** The process of identifying, locating, and evaluating all children with disabilities to determine eligibility under IDEA's 13 specific categories.
- **Special Education:** Specially designed instruction, provided at no cost to parents, to meet a child's unique needs.

ACCOMMODATIONS & SERVICES:

- **Accommodations:** Change how learning happens.
- **Modifications:** Change what is learned.
- **Related Services:** Include speech, OT (Occupational Therapy), PT (Physical Therapy), counseling, etc., as defined in 34 CFR §300.34.
- **Assistive Technology:** Provides accessibility and supports learning.

INDIVIDUALIZED EDUCATION PROGRAM (IEP) BASICS:

- **IEP:** A legally binding document outlining special education and related services for a child with a disability, developed, reviewed, and revised in accordance with §§300.320 through 300.324.
- **IEP Team:** Includes parents, at least one general education teacher, at least one special education teacher, an LEA representative, and others as appropriate.
- **Annual Review:** Required yearly to develop the subsequent IEP but may be amended as needed throughout the school year.
- **Implementation Fidelity:** The IEP must be followed as written.

IDEA EVALUATION & ELIGIBILITY:

- **Parental Consent:** Required before evaluation or services.
- **Multidisciplinary Evaluation:** Uses multiple data sources.
- **Eligibility Determination:** Based on IDEA's 13 specific categories.
- **Initial:** Must be completed within 45 school days from parent consent.
- **Reevaluation:** Conducted at least every 3 years.

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SECTION 504 OF THE REHABILITATION ACT OF 1973:

- **Section 504:** A civil rights law that prohibits discrimination against children served by public schools and adults with disabilities, ensuring accessibility and participation in programs receiving federal funding.
- **504 Plan:** Provides accommodations and services, when appropriate.
- **504 Eligibility:** A physical or mental impairment that substantially limits one or more major life activities. Students eligible under IDEA are also covered under Section 504; however, students eligible under Section 504 are not necessarily covered under IDEA.

BEHAVIOR & DISCIPLINE:

- **FBA (Functional Behavioral Assessment):** Determines why a behavior occurs.
- **BIP (Behavior Intervention Plan):** A positive, proactive plan to teach the student to replace challenging behaviors with appropriate responses.
- **MDR (Manifestation Determination Review):** When a student is removed for more than 10 school days due to a violation of the code of student conduct, the LEA, the parent, and the student's IEP team must determine if the behavior was caused by, or directly and substantially related to, the student's disability, or if the behavior was the direct result of the LEA's failure to implement the IEP as written.

PROCEDURAL SAFEGUARDS (AKA PARENT RIGHTS):

- **Prior Written Notice:** Required to document the LEA's proposal or refusal to initiate or change the identification, evaluation, or educational placement of the child, or the provision of FAPE to the child.
- **Mediation:** A voluntary process for both parties to resolve disputes involving any matter under IDEA Part B through a qualified, trained, and impartial mediator. Mediation cannot be used to deny or delay a parent's right to a due process hearing or any other rights under IDEA Part B.
- **Due Process:** A legal hearing presided over by an impartial hearing officer who reviews evidence, hears testimony, and issues a final, legally binding decision.
- **Stay Put:** The child's current placement continues once a due process complaint is filed.
- **Formal Written State Complaint:** A parent files a formal complaint, and the State Department of Education investigates to determine whether the LEA is in compliance with IDEA.
- **FERPA (Family Educational Rights and Privacy Act):** Protects student educational records.